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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,598	09/05/2003	David P. Davis	P1981R1P1	7980
9157	7590	12/13/2006	EXAMINER	
GENENTECH, INC. 1 DNA WAY SOUTH SAN FRANCISCO, CA 94080				GODDARD, LAURA B
			ART UNIT	PAPER NUMBER
			1642	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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161656598

9/5/2003

Davis

P1981R1PI

EXAMINER

Laura B Goddard

ART UNIT	PAPER
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1642 2

DATE MAILED:

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Commissioner for Patents

The communication filed on 10/2/2006 is non-responsive to the prior Office Action because Applicant did not elect a group identified in the restriction requirement mailed 5/30/2006. Applicants elected Group X, SEQ ID NOs:1 and 2 and elected antibodies. However, "antibodies" was not an option for election with Group X. Group X is drawn to a method of diagnosing the presence of a tumor in a mammal comprising detecting the level of expression of a gene encoding a polypeptide, wherein the step of detecting the level of expression of a gene encoding said polypeptide employs an oligonucleotide in an *in situ* hybridization or RT-PCR. The election of Group X further required election of using an oligonucleotide or siRNA for detecting the gene expression, not an antibody, because the Group is drawn to detecting the gene, not the polypeptide expressed by the gene. It is still noted that there is no antecedent basis for "said RNA or oligonucleotide" in claim 98 and an siRNA and oligonucleotide would not form a complex with a polypeptide.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a time limit of one month from the date of this letter or within the time remaining in the response period of the last Office action, whichever is the longer. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. § 1.136(a) OR (b) BUT THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION MAY BE EXTENDED UP TO A MAXIMUM OF SIX MONTHS.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Goddard, Ph.D. whose telephone number is (571) 272-8788. The examiner can normally be reached on 7:00am-3:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura B Goddard, Ph.D. Examiner Art Unit 1642

SHANON A. FOLEY
SUPERVISORY PATENT EXAMINER